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14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN JOSE DIVISION

17 *E-FILED - 10/11/07*

18 UNITED STATES OF AMERICA,) No. CR 07-00562-RMW
19 Plaintiff,) STIPULATION AND []
20 v.) ORDER EXCLUDING TIME FROM
21 ALEJANDRO HORTA-GUZMAN,) SEPTEMBER 10, 2007 TO OCTOBER 15,
22 Defendant.) 2007 FROM THE SPEEDY TRIAL ACT
23) CALCULATION (18 U.S.C. §
24) 3161(h)(8)(A))
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29 On September 10, 2007 the parties appeared for a hearing before this Court. At that
30 hearing, the government and defense requested an exclusion of time under the Speedy Trial Act
31 based upon the defense counsel's need to investigate, review discovery materials submitted by
32 the government and the need to jointly negotiate a resolution in this matter. At that time, the
33 Court set the matter for a hearing on October 15, 2007.

34 The parties stipulate that the time between September 10, 2007 and October 15, 2007 is
35 excluded under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the
36 requested continuance would unreasonably deny defense counsel reasonable time necessary for
37 effective preparation, taking into account the exercise of due diligence. Finally, the parties agree

1 that the ends of justice served by granting the requested continuance outweigh the best interest of
2 the public, and the defendant in a speedy trial and in the prompt disposition of criminal cases. 18
3 U.S.C. §3161(h)(8)(A).

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5 DATED: September 10, 2007

SCOTT N. SCHOOLS
United States Attorney

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/s/
JEFFREY B. SCHENK
Assistant United States Attorney

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/s/
LARA VENNARD
Attorney for Defendant

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ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the time between September 10, 2007 and October 15, 2007 is excluded under the Speedy Trial Act, 18 U.S.C. §3161. The court finds that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Furthermore, the Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. §3161(h)(8)(A).

IT IS SO ORDERED.

DATED: 10/11/07

Ronald M. Whyte
RONALD M. WHYTE
UNITED STATES DISTRICT JUDGE